

The name of Hon. A. W. Terrell was withdrawn after the second ballot.

Senator Frank moved that the joint session adjourn, and that the Senate retire to the Senate Chamber.

Carried by the following vote.

YEAS—24.

Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Douglass of J,	Pope,
Douglass of G,	Simkins,
Field,	Stinson,
Frank,	Upshaw,
Garrison,	Woods,
Glascock,	Woodward.

NAYS— 6.

Abercrombie,	Gregg,
Claiborne,	Harrison,
Davis,	Terrell,

IN THE SENATE.

Senator Terrell moved that the Senate stand adjourned till to-morrow morning at 10 o'clock.

Carried.

FIFTEENTH DAY.

SENATE CHAMBER. }

AUSTIN, TEXAS, January 27, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator McDonald,

The reading of the Journal of yesterday was dispensed with.

Senator McDonald asked to have the Journal corrected, to show that he and Senators Harrison, Abercrombie and Stinson wished to have their reasons spread on the Journal for voting "nay" and not "aye" on the drouth relief bill.

Senator Abercrombie changed his vote to "aye" to place the bill in immediate effect.

(Journal corrected.)

Senator Woods asked to have the Journal corrected, to read Senator "Woods" and not "Wood," which mistake occurred in several places.

(Journal corrected.)

Senator Glascock arose to a question of personal privilege, saying he voted twice in joint session for Judge Terrell for the United States Senate, and asked to have Journal so corrected.

BY SENATOR UPSHAW:

Petition from city council of Bryan, in reference to hiring out of city convicts

BY SENATOR HARRISON:

Protest from citizens of twenty-second Senatorial district against passage of the telephone bill.

Read and referred to Committee on Internal Improvements.

BY SENATOR MACMANUS:

Same from citizens of Laredo. Same committee.

Also same from citizens of Eagle Pass. Same committee.

BY SENATOR ABERCROMBIE:

Same from citizens of city of Houston. Same committee.

REPORTS OF STANDING COMMITTEES.

BY SENATOR FRANK.

COMMITTEE ROOM.

AUSTIN, January 26, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 2, being "An act to be entitled 'an act to restore to and confer upon the county courts of Live Oak, Karns and Throckmorton counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and General Statutes of the State, to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act,'" and find the same correctly engrossed.

FRANK, chairman.

BILLS AND RESOLUTIONS.

BY SENATOR FRANK:

A bill to be entitled "An act to turn over to the Regents of the State University the University lands."

The bill provides that all lands belonging to the permanent university fund be placed under the exclusive management and control of the Board of Regents of the University of Texas, etc., etc.

Referred to Judiciary Committee No. 1.

BY SENATOR GLASSCOCK:

A bill to be entitled "An act to amend Articles 2432 and 2433, chapter 43, of the Revised Civil Statutes of the State of Texas."

The bill provides for the impounding of stock running on the enclosed lands of others, etc.

Referred to the Committee on Stock and Stockraising,

BY SENATOR BURNBY:

A bill to be entitled "An act to amend Articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, chapter 5, title 26, and Articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, approved May 3, 1882,

The bill relates to the appointment of a supreme court reporter by the Supreme Court, and for the printing of the "Texas Reports" at the State printing office at the Deaf and Dumb Asylum.

Referred to Committee on Public Printing.

BY SENATOR TERRELL:

"An act to amend title 17 of the Revised Statutes, by adding thereto Articles 382a, 382b and 478a."

The bill provides that owners of real estate in municipal corporations shall make and provide sidewalks on said real estate, when same lies contiguous to, or abutts upon any street, avenue or alley of said town or city; to fix and establish such grades, and define what the character, material and dimensions of sidewalks, etc., and to provide penalty for failure to so establish, etc.

Referred to Judiciary Committee No. 1.

Senator Harrison sent the following to the Secretary's desk:

SENATE CHAMBER, }

AUSTIN, TEXAS, January 26, 1887. {

We voted no on the bill to appropriate \$100 000 to the drouth suffer-

ers for the following reasons, among others: 1. We believe that the public calamity mentioned in the constitution, contemplates that character of general suffering and misfortune which was beyond the power of human agency to avert, and from which individual effort could give no seasonable relief; and that the existence of such facts should be clear and beyond doubt before the Legislature would be justified in exercising the extraordinary power confided to it by the constitution, to appropriate the public funds to the use and enjoyment of private individuals. The evidence before us in this instance is so conflicting as to raise, at least, a reasonable doubt as to the existence of such a calamity. But admitting there has been a calamity, yet it has not been shown, nor even claimed by the advocates of the measure, that its effects were of such a character that they could not have been sufficiently averted by the exercise of that degree of prudence, caution and care which usually characterizes the conduct of the energetic and self reliant citizen, as to render this appropriation unnecessary. We submit that the extent of territory claimed to be affected, when compared with the balance of the State, is so small, and its proximity on all sides to sections of the State which yield a rich and bountiful harvest, affording with other industries, ample and lucrative employment to all who desired it; challenges us to the reluctant conclusion that that individual effort has not been made upon which to predicate a just demand upon the public treasury. 2. It establishes a dangerous precedent, the influence of which will give rise to like demands upon the happening of every storm, flood, fire or drouth of any magnitude. The recent storms upon our coasts were more destructive and perilous than the drouth of the west, for they, without giving a moments warning, swept with a fierce and unrelenting force, both lives and property into the ocean of eternity. Yet, the proposition to aid that section also, was summarily voted down. 3. A critical examination of the bill shows that the disposition of the appropriation is not sufficiently guarded to prevent frauds and unmerited distributions. The drouth has been pending for a year, yet the bill permits distributions to be made to persons of only three months residence in the affected section prior to making

their application for relief. Under its operation persons going there at this date, could on the twenty-sixth of April next make their application and receive a portion of the fund. Furthermore, if the estimates of destitution be correct, the sum appropriated is wholly inadequate to be of any material relief, as it will be less than three dollars per capita. Last, but not least, the requisitions upon the public treasury for public purposes so numerous and pressing that the present state of our public finances are not, in our opinion, in a condition to warrant the appropriation without detriment to the public service. We do not wish to deprive any one of the necessities of life, nor to deny him any right he has to public aid, but we feel that our highest and first duty is to the State, and that we should act with a conscientious conviction on all matters. Hence we are constrained to vote "no."

Some of the additional expenses may be summed up as follows:

To meet the demand for increased asylum facilities, \$150,000.

To commence putting convicts in walls, \$100,000.

To establish reformatory for youths, \$100,000.

To furnish the new Capitol for Twenty-first Legislature, \$100,000.

These, in addition to the regular appropriation for current expenses, together with probable falling off of revenues on account of the failure and inability of money to pay their tax, occasioned by hard times, justifies the above conclusions, and admonishes us to prudence and caution in public expenditures at present.

R. H. HARRISON,
L. A. ABERCROMBIE.
JOHN WOODS,
H. D. McDONALD,
W. W. DAVIS,
A. W. GREGG,
DOUGLASS of Grayson.
W. T. ARMISTEAD,
SAM. D. STINSON.

The hour having arrived, the morning call being concluded,

The Senate went into executive session.

IN SENATE.

House bill No. 23, "An act to create

the county of Brewster, and to provide for its organization," was taken up, read second time, and passed to third reading.

On motion of Senator Claiborne, The Constitutional rule requiring bills to be read on three separate days was suspended, and the bill was placed on its final passage by the following vote:

YEAS—24.

Abercrombie,	Glasscock,
Allen	Gregg,
Armistead,	Harrison
Bell,	Houston,
Burney,	Jarvis,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	Pope,
Douglass of J.	Simkins,
Field,	Terrell.
Frank,	Woods,
Garrison.	Woodward.

NAYS—1.

Douglass of G.

ABSENT—6.

Burges,	MacManus.
Davis,	Stinson,
Knittle,	Upshaw,

Bill read third time and passed.

Senator Abercrombie entered a motion to reconsider the vote by which substitute Senate bill No. 74, the drouth relief bill, was on yesterday passed.

On motion of Senator Lane,

The Senate took a recess till 12 o'clock.

12 O'CLOCK M.

The Senate called to order.

On motion of Senator Terrell,

The Senate adjourned to the House of Representatives to ballot for United States Senator.

IN JOINT SESSION.

Roll called.

Quorum present.

The following is the result of the ballots:

FIRST BALLOT—Second Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....		1	
Armistead.....	1		
Bell.....			1
Burges.....			1
Burney.....			1
Calhoun.....	1		
Camp.....			1
Claiborne.....		1	
Davis.....		1	
Douglass of Jefferson.....	1		
Douglass of Grayson.....	1		
Field.....		1	
Frank.....	1		
Garrison.....			1
Glasscock.....			1
Gregg.....		1	
Harrison.....	1		
Houston.....	1		
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....			1
Stinson.....		1	
Terrell.....			
Upshaw.....	1		
Woods.....			1
Woodward.....	1		
Total.....	13	7	10
House vote.....	38	43	25
Total.....	51	50	35

No choice.
 Senator Frank moved that the joint session be dissolved, and the Senate return to the Senate Chamber.

Lost, by the following vote:

YEAS—8.

Burges,	Garrison,
Burney,	Glasscock,
Camp,	Knittle,
Frank,	Woods,

NAYS—22.

Abercrombie,	Harrison,
Allen,	Houston,
Armistead,	Jarvis,
Bell,	Lane,
Calhoun,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J,	Simkins.
Douglass of G,	Terrell.
Field,	Upshaw,
Gregg,	Woodward.

ABSENT—1.

Stinson.

SECOND BALLOT—Second Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....		1	
Armistead.....	1		
Bell.....			1
Burges.....			1
Burney.....			1
Calhoun.....		1	
Camp.....			1
Claiborne.....	1		
Davis.....		1	
Douglass of Jefferson.....	1		
Douglass of Grayson.....	1		
Field.....		1	
Frank.....	1		
Garrison.....			1
Glasscock.....			1
Gregg.....		1	
Harrison.....	1		
Houston.....	1		
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....		1	
Stinson.....			
Terrell.....		1	
Upshaw.....	1		
Woods.....			1
Woodward.....	1		
House vote.....	37	44	25
Total.....	50	52	34

THIRD BALLOT—Second Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....		1	
Armistead.....	1		
Bell.....			1
Burges.....			1
Burney.....			1
Calhoun.....		1	
Camp.....			1
Claiborne.....		1	
Davis.....		1	
Douglas of Jefferson.....	1		
Douglass of Grayson.....	1		
Field.....		1	
Frank.....	1		
Garrison.....			1
Glasscock.....			1
Gregg.....		1	
Harrison.....	1		
Houston.....	1		
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....		1	
Stinson.....			
Terrell.....		1	
Upshaw.....	1		
Woods.....			1
Woodward.....	1		
House vote.....	36	45	25
Total.....	48	54	34

FOURTH BALLOT—Second Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....		1	
Armistead.....	1		
Bell.....			1
Burges.....			1
Burney.....			1
Calhoun.....		1	
Camp.....			1
Claiborne.....		1	
Davis.....		1	
Douglass of Jefferson.....	1		
Douglass of Grayson.....	1		
Field.....		1	
Frank.....			1
Garrison.....			1
Glascock.....			1
Gregg.....		1	
Harrison.....	1		
Houston.....	1		
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....		1	
Stinson.....			1
Terrell.....		1	
Upshaw.....	1		
Woods.....			1
Woodward.....	1		
House vote.....	11 37	9 44	10 25
Total.....	48	53	35

FIFTH BALLOT—Second Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....		1	
Armistead.....	1		
Bell.....			1
Burges.....			1
Burney.....			1
Calhoun.....		1	
Camp.....			1
Claiborne.....		1	
Davis.....		1	
Douglass of Jefferson county.....	1		
Douglass of Grayson county.....	1		
Field.....			1
Frank.....			1
Garrison.....			1
Glascock.....			1
Gregg.....		1	
Harrison.....	1		
Houston.....	1		
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....		1	
Stinson.....			1
Terrell.....		1	
Upshaw.....	1		
Woods.....			1
Woodward.....	1		
House.....	11 36	9 44	10 26
Total.....	47	53	36

SIXTH BALLOT—Second Day.

Senators.	Maxey.	Reagan.	Ireland.
Abercrombie.....	1		
Allen.....		1	
Armistead.....	1		
Bell.....			1
Burges.....			1
Burney.....			1
Calhoun.....		1	
Camp.....			1
Claiborne.....		1	
Davis.....		1	
Douglass of Jefferson.....	1		
Douglass of Grayson.....	1		
Field.....		1	
Frank.....			1
Garrison.....			1
Glascock.....	1		
Gregg.....		1	
Harrison.....	1		
Houston.....	1		
Jarvis.....	1		
Knittle.....			1
Lane.....		1	
McDonald.....	1		
MacManus.....	1		
Pope.....			1
Simkins.....		1	
Stinson.....			1
Terrell.....		1	
Upshaw.....	1		
Woods.....			1
Woodward.....	1		
House vote.....	12 34	9 47	9 25
Total.....	46	56	34

On motion of Senator Glascock.
The joint session was dissolved by
the following vote:

YEAS—21.

Abercrombie, Glascock,
Armistead, Houston,
Bell, Jarvis,
Burges, Knittle,
Burney, McDonald,
Calhoun, MacManus,
Camp, Pope,
Douglass of J, Upshaw,
Douglass of G, Woods,
Frank, Woodward.
Garrison,

NAYS—9.

Allen, Harrison,
Claiborne, Lane,
Davis, Simkins,
Field, Terrell,
Gregg,

IN SENATE.

Senator Burney entered a motion to
reconsider the vote by which House
bill No. 23—the Brewster county bill—
was passed.

The President appointed Senators

Garrison and Douglass of Grayson, on the part of the Senate as a committee to visit the State penitentiaries.

The following was laid before the Senate and read:

AUSTIN, January 26, 1887

Hon. T. B. Wheeler, President of the Senate:

Sir—The next lecture in the course of regular public University lectures will be delivered Friday next, January 28, at 8 o'clock p. m., by Dr. Leslie Waggner, Chairman of the Faculty. The subject will be "The University and the State."

We are directed by the Faculty to respectfully invite and request the presence of yourself and the Senators at this lecture. Immediately after the lecture the building, with its appliances for instruction, and especially the library and department of physical sciences, will be opened and lit up for your inspection and observation. The professors and students will feel honored to wait on you and contribute to your entertainment.

Respectfully, your obedient servants,

R. L. DABNEY,

O. M. ROBERTS,

Committee.

On motion of Senator Woods,
The Senate adjourned till 10 o'clock to-morrow.

SIXTEENTH DAY.

SENATE CHAMBER.

AUSTIN, January 28, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Mitchell.

On motion of Senator Garrison,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR CLAIBORNE:

Petition from citizens of Galveston, protesting against the passage of the bill reducing telephone rates.

Referred to Committee on Internal Improvements.

BY SENATOR BELL:

Petitions of citizens of Hamilton county, asking the postponement of the enforced collection of taxes till October 1, 1887.

Referred to Committee on Finance.

BILLS AND RESOLUTIONS.

BY SENATOR CLAIBORNE.

Whereas, The prolonged and continued balloting for United States Senator is consuming time that justly belongs to the people, and a cost to them of over \$1,000 per day, and to the great detriment to the business in hand; and

Whereas, There is no question of principle involved, but simply the choice between men advocating the same principles, and all equally capable and honest;

Be it resolved by the Senate, That when it goes into joint session to-day, that it remain until 3 o'clock p. m., and continue to ballot unless a United States Senator should be sooner elected.

On motion of Senator Douglass of Jefferson, the following resolution was laid on the Table.

BY SENATOR ALLEN:

A bill to be entitled "An act to amend chapter 54, of the Revised Civil Statutes, by adding thereto Articles 2981a and 2981b." This bill provides against all usurious contracts against all interests except that named on the face of the note; against interest bearing interest; against receiving interest or demanding interest in excess of twelve per annum under penalties.

Read first time and referred to Judiciary Committee No. 1.

MESSAGE FROM THE HOUSE.

The Chief Clerk of the House reported that he was directed by the House to return to the Senate, in compliance with the request of this body, Substitute Senate bill No. 74, a bill to be entitled "An act to provide for the relief of the citizens of Texas suffering by reason of the drouth, to make appropriation therefor, and to provide for the manner in which it should be distributed.

BY SENATOR POPE.

A bill to be entitled "An act to amend